

REMARKS

Claims 1-5, 7-16 and 18-20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi et al. (U.S. Patent No. 6,363,039). In response, Applicants amended independent claim 1 to incorporate dependent claim 4, and amended independent claims 10 and 12 to include claim 15, and respectfully traverse. Applicants traverse because the cited reference does not disclose (or suggest), among other things, a method or apparatus that measures the optimum offset in a state where waveform interference, from an adjacent track of a track at a tracking target position, is easily generated.

Hayashi teaches control of a location of a light beam in a disk system. However, in order to determine an optimum off-track position, the off-tracking operation uses one of four options, which are different than the present invention. That is, Hayashi does not teach offset measurement control by measuring an optimum offset in a state where a waveform interference, from an adjacent track of a track at a tracking target position, is easily generated. Rather, Hayashi teaches an off-tracking operation as using one of four options, i.e., the jitter in the playback signal, the error rate, the C1 flag, or the RF signal. (See Col. 14, lns. 52-55). Hayashi further teaches measuring the R tilt of an optical disk using a “focus drive amount” in a playback radial position. (See Col. 16, lns. 12-41). Since Hayashi does not teach using waveform interference for determining an optimum offset, withdrawal of the §102(e) rejection of claims 1-3, 5, 7-14, 16 and 18-20 is respectfully requested.

Claims 6 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Koyama et al. (JP Publication No. 07-050019). Applicants traverse

the rejection for the reasons recited above with respect to the rejection of independent claims 1 and 12.

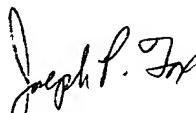
More specifically, since claims 6 and 17 depend upon independent claims 1 and 12, respectively, they necessarily include all of the features of their associated independent claim plus other additional features. Thus, Applicants submit that the §103 rejection of claims 6 and 17 has also been overcome for the same reasons mentioned above to overcome the rejection of independent claims 1 and 12, and also because Koyama fails to remedy the deficiencies noted above. That is, Koyama merely proposes adjusting the tracking offset or focal offset depending on the temperature. For this reason, Applicants respectfully request that the §103 rejection of claims 6 and 17 also be withdrawn.

For all of the foregoing reasons, Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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